MEMORANDUM

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ASC

Agenda Item No. 6(A)

TO: Honorable Chairman Dorrin D. Rolle and Members, Airport and Seaport Committee

DATE: December 4, 2009

FROM: Diane Collins, Division Chief
Clerk of the Board Division
Diane Collins

SUBJECT: Approval of Commission Committee Minutes

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for placement on the upcoming Airport and Seaport Committee agenda for approval:

October 15, 2009

Attachment
DC/ae

Stephen P. Clark
Government Center
111 N.W. 1st Street
Miami, FL 33128

CLERK'S SUMMARY OF

Meeting Minutes

Airport and Seaport Committee

Dorrin D. Rolle (2) Chair; Jose "Pepe" Diaz (12) Vice Chair; Commissioners Bruno A. Barreiro (5), Carlos A. Gimenez (7), Javier D. Souto (10) and Rebeca Sosa (6)

Thursday, October 15, 2009 **9:30 AM** **COMMISSION CHAMBERS**

Members Present: Bruno A. Barreiro, Jose "Pepe" Diaz, Carlos A. Gimenez, Dorrin D. Rolle, Rebeca Sosa, Javier D. Souto.

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Alan Eisenberg, Commission Reporter*
305-375-2510

1A INVOCATION

1B PLEDGE OF ALLEGIANCE

Report: *Chairman Rolle called the meeting to order and asked that a moment of silence be observed followed by the Pledge of Allegiance.*

1C ROLL CALL

Report: *The following staff members were present: Assistant County Manager Ysela Llort; Assistant County Attorney(s) Jess McCarty, Cynji A. Lee, David Murray; and Deputy Clerks Judy Marsh and Alan Eisenberg.*

Assistant County Attorney Cynji Lee noted that there were no changes or additions to be made to today's (10/15) agenda.

It was moved by Commissioner Sosa that the Committee approve the agenda for the October 15, 2009 Airport and Seaport Committee Agenda as presented. This motion was seconded by Commissioner Diaz and upon being put to a vote, passed by a vote of 4-0 (Commissioners Barreiro and Gimenez were absent).

1D OFFICE OF INTERGOVERNMENTAL AFFAIRS

1D1

092715 **Report**

2010 FEDERAL AND STATE LEGISLATIVE PACKAGE

Accepted
Mover: Diaz
Seconder: Gimenez
Vote: 5-1
No: Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed report into the record.*

Mr. Joe Rasco, Director, Office of Intergovernmental Affairs (OIA) presented the proposed Aviation Department and Seaport Department State and Federal Legislative Agendas for the Committee's review pursuant to Resolution 1004-09 sponsored by Commissioner Sosa and adopted by the Board of County Commissioners (BCC).

Commissioner Sosa noted the Committee should review departmental legislative agenda requests and then prioritize these requests based upon the likelihood of the item receiving funding or the importance of the item. She asked that each department director limit their list of priorities to no more than three for inclusion in the 2010 State and Federal Legislative Agendas.

Mr. Rasco responded to Chairman Rolle's inquiry regarding the method utilized to compile the legislative priorities list. He noted that departments submitted their priorities to the OIA in July; the priorities were reviewed in joint meetings with the OIA and the department; and the OIA coordinated the final priority list in cooperation with the County Manager. Mr. Rasco indicated that the legislative agenda being reviewed today was a result of this process and the department directors were prepared to discuss their priorities. He noted that although every request would not be considered a critical priority, they remained worthwhile to pursue.

Commissioner Diaz noted that although it was important to proceed as a unified team in order to accomplish County objectives in Tallahassee and Washington, it was difficult to choose one priority over another. He said that each priority represented a specific need to the department and questioned whether funding possibilities would be limited by supporting only a few specific priorities.

Commissioner Gimenez noted that priorities needed to be determined based upon the probability of success and decisions should be based upon funding availability and administration priorities. He asked Mr. Rasco to ensure that the departmental priorities were presented based upon the probability that they would be funded.

Mr. Rasco said the method of determining priorities by the OIA considered state and federal government funding availability.

Chairman Rolle noted it appeared that the OIA had obtained input and prioritization of items from both the Aviation Department and the Seaport.

Commissioner Sosa said that the legislative agenda was not presented in a priority order. She noted that five overall countywide priorities needed to be established and then specific departmental priorities would be addressed. Commissioner Sosa said that departments needed to identify their primary requests as well as those which had the best chance of funding.

Assistant County Attorney Jess McCarty confirmed Commissioner Sosa's inquiry that the County concentrated on approximately 5-10 primary priorities annually. He noted that committee priority recommendations would not be completed before the October 20, 2009 BCC meeting due to the recent cancellation of several meetings.

Commissioner Sosa noted that departments needed to work with the OIA to develop modified recommendations based upon the criteria discussed today.

Ms. Ana Sotorrio, Associate Aviation Director, said that the federal legislative agenda was in the correct priority order; however, the state agenda was not. She said that the 25th Street Viaduct was both a federal and state issue and needed to be added to the state priority list since funding was available through both sources. She noted $106 million funding had been requested from the Federal Department of Transportation through a Transportation Investment Generating Economic Recovery (TIGER) Grant. Ms. Sotorrio said funding was limited and therefore highly competitive. She noted that a request would be made under the Surface Transportation Authorization Bill should the federal funding not be sufficient. She also noted the Federal Aviation

Administration Reauthorization and Passenger Facility Charges raised the cap on Passenger Facility Charges from $4.50 to $7.00 and would generate significant additional income for airport capital programs. Ms. Sotorrio asked that the Airport's top three federal priorities remain intact; that the Viaduct be added to the state agenda; and that she would provide the OIA with a prioritization of request for the state agenda.

Mr. Jose Abreu, Aviation Director, agreed that both the availability of funding and probabilities for success needed to be considered. He noted the County should be successful in receiving Viaduct funding since TIGER Grants targeted local rather than state governments. Mr. Abreu suggested the Viaduct remain a priority noting the State Department of Transportation would eventually schedule this project for completion should the entire funding not be awarded at this time.

Commissioner Gimenez noted his intention was not to merely reduce the number of items on the priority list. He said that specific requests that had a greater probability of receiving funding should be prioritized.

Commissioner Diaz concurred with Commissioner Gimenez. He said that his priority would be to obtain funding for the Viaduct project ("bridge to nowhere"), since that project would contribute to the creation of a substantial number of employment opportunities.

It was moved by Commissioner Diaz to accept the 2010 Federal and State Legislative Package. This motion was seconded by Commissioner Gimenez.

Commissioner Sosa suggested a friendly amendment to the state priority list that would add the Viaduct as the number one priority; the quarter horse permit application as the number two priority; and capital project funding as the number three priority.

Mr. Juan Kuryla, Deputy Port Director, noted that the Miami Harbor Dredging project was the number one priority for the Seaport. He said that other items presented were additional issues that the Seaport desired to support during the legislative session.

Assistant County Manager Ysela Llort, noted that priorities were necessary; however, programs that

were not considered among the highest priority could be in a better position to receive funding and should not be overlooked.

Commissioner Diaz noted that he was comfortable with proceeding with the motion as originally stated and indicated that additional efforts to fine-tune the legislative package development process would occur later.

Commissioner Souto noted Airport and Seaport security issues, particularly K-9 units, needed to be the number one priority.

There being no further questions or comments, the Committee proceeded to vote.

2 COUNTY COMMISSION

3 DEPARTMENTS

3A

092329 **Resolution**

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND H. J. ROSS & ASSOCIATES, INC. FOR THE UTILITIES MASTER PLAN (DRAINAGE) FOR THE MIAMI-DADE AVIATION DEPARTMENT, PROJECT NO. E08-MDAD-05A; IN AN AMOUNT NOT TO EXCEED $1,728,750; AND AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE ANY OPTIONS TO RENEW AND TERMINATION PROVISIONS CONTAINED THEREIN (Aviation Department)

Amended

Report: *See Report Under Agenda Item 3A AMENDED, Legislative File No. 092874.*

3A AMENDED

092874 **Resolution**

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND H. J. ROSS & ASSOCIATES, INC. FOR THE UTILITIES MASTER PLAN (DRAINAGE) FOR THE MIAMI-DADE AVIATION DEPARTMENT, PROJECT NO. E08-MDAD-05A; IN AN AMOUNT NOT TO EXCEED $1,728,750; AND AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE ANY OPTIONS TO RENEW AND TERMINATION PROVISIONS CONTAINED THEREIN (SEE ORIGINAL ITEM UNDER FILE NO. 092329) (Aviation Department)

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Sosa
Seconder: Diaz
Vote: 4-2
No: Rolle, Barreiro

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

Commissioner Diaz noted that he met with representatives of ADA Engineering, Inc. (ADA), the second ranked firm. He said that both ADA and the selected firm, H.J. Ross and Associates, Inc. (Ross) were outstanding and capable firms that performed quality work. It was unfortunate that one firm scored higher than the other, said Commissioner Diaz. He said that he discussed the selection process with the Airport Director and Assistant Director and concluded that the process was properly administered.

Chairman Rolle said he heard discussions related to concerns about the scoring process. He noted that today's meeting was not a public hearing; however, he invited representatives from the two firms to share their comments with the Committee.

A representative of ADA, the second ranked firm, asked the Committee to reject the County Manager's recommendation. He noted the outcome was skewed by one vote and pointed out that ADA was a small, local business which had the capability and resources to obtain a number one vote. This was evident by the majority of selection committee members voting in favor of ADA, with three first place votes and only one vote to Ross. He said that ADA finished ahead with the support of four out of five committee members and explained that if the scoring was rejected, ADA would move from being the second placed firm (two points behind), to being the first place firm (14 points ahead). He noted the scoring process was an injustice and the Committee needed to evaluate this process to determine how only one selection committee member could affect the

outcome of the vote.

Mr. Pablo Acosta, representing H. J. Ross & Associates, Inc., (Ross) said the firm was a local company, and established since 1947. He noted the selection and scoring process was properly administered. Mr. Acosta said that Administrative Order 3-39, provided a process to deal with situations where one score offsets the decision of other selection committee members. Furthermore, Section 2 (c) provided specific guidelines and Ross was within the allowed margin of error, said Mr. Acosta. He asked the Committee to honor the selection committee's recommendation.

Commissioner Gimenez noted concern with the scoring process where one committee member could skew the outcome of the selection. He said that the process needed to be reviewed to prevent this from occurring in the future, although it would not benefit the second ranked firm today. He said that he could not vote in favor of ADA since established rules needed to be upheld.

Mr. Johnny Martinez, Director, Office of Capital Improvements, noted that the Department had been working to refine the selection process. He said that it was necessary to choose a system that would minimize subjectivity. Mr. Martinez noted that an Ordinance and an Implementing Order would be presented to the Commission in November which would propose both a numerical point system to initially rank firms and then an ordinal system to determine the final ranking. He said that this process would improve the professional services selection process and would minimize the influence of any single person in determining the outcome.

Mr. Jose Abreu, Aviation Director, responded to Commissioner Gimenez' inquiry as to whether the County would pay less if the Consumer Price Index (CPI) declined. He said that according to the contract, if the CPI was negative, there would be no price escalation. Mr. Abreu noted that the State of Florida was now removing CPI adjustments and escalation clauses from their contracts.

Commissioner Gimenez noted that he would make a motion that the escalation clause be removed from this contract.

Mr. Abreu confirmed that removal of the CPI escalation clause was acceptable and presented a

preferred alternative.

Commissioner Diaz asked Mr. Martinez to evaluate the selection process used to rank professional services contracts to ensure that the process was fair and that companies that performed well were not penalized and submit findings to the Committee.

Commissioner Barreiro noted that the selection process was a good process. He noted the results of that process were now before the Committee to ratify and forward to the Board to make a final decision. Commissioner Barreiro noted that he would not support this motion.

Commissioner Sosa noted she had requested the County Attorney to draft a resolution addressing changes to the procurement and selection process and would present this information to the Committee for input once completed.

Chairman Rolle noted that he did not understand the ranking outcome and would not support this motion.

It was moved by Commissioner Sosa that this proposed resolution be forwarded to the BCC with a favorable recommendation with Committee amendment(s) to delete the escalation clause from "Section 7.1.1.4, handwritten page 42" of this resolution. This motion was seconded by Commissioner Diaz and upon being put to a vote, passed by a vote of 4-2 (Commissioners Barreiro and Rolle voted "No").

3B

092423 **Resolution**

RESOLUTION RELATED TO NORTH TERMINAL DEVELOPMENT CONTRACTS AT MIAMI INTERNATIONAL AIRPORT; RATIFYING ACTIONS TAKEN PURSUANT TO ORDINANCE NO. 08-87 DURING THE PERIOD OF APRIL 1, 2009 THROUGH JUNE 30, 2009 (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Gimenez
Vote: 6-0

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

Chairman Rolle asked the Aviation Department Director to meet with him to discuss the ratification of $8 million before it was considered by the County Commission.

There being no further questions or comments, the Committee proceeded to vote.

3C

092557 **Resolution**

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND TETRA TECH, INC. FOR THE UTILITIES MASTER PLAN (WATER) FOR THE MIAMI-DADE AVIATION DEPARTMENT, PROJECT NO. E08-MDAD-05B; IN AN AMOUNT NOT TO EXCEED $1,728,750; AND AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE ANY OPTIONS TO RENEWAL AND TERMINATION PROVISIONS CONTAINED THEREIN (Aviation Department)

Amended

Report: *See Report Under Agenda Item 3C AMENDED, Legislative File No. 092875.*

3C AMENDED

092875 **Resolution**

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND TETRA TECH, INC. FOR THE UTILITIES MASTER PLAN (WATER) FOR THE MIAMI-DADE AVIATION DEPARTMENT, PROJECT NO. E08-MDAD-05B; IN AN AMOUNT NOT TO EXCEED $1,728,750; AND AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE ANY OPTIONS TO RENEWAL AND TERMINATION PROVISIONS CONTAINED THEREIN (SEE ORIGINAL ITEM UNDER FILE NO. 092557) (Aviation Department)

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Diaz
Seconder: Gimenez
Vote: 5-0
Absent: Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

Commissioner Gimenez noted that the Social Security Administration had not granted a cost-of-living adjustment for recipients benefit payments. He asked that the maker of the motion accept a friendly amendment to remove the escalation clause from this contract.

Commissioner Diaz accepted this amendment.

It was moved by Commissioner Diaz that this proposed resolution be forwarded to the BCC with a favorable recommendation with Committee amendment(s) to delete the escalation clause from "Section 7.1.1.4, handwritten page 41" of this resolution. This motion was seconded by Commissioner Gimenez and upon being put to a vote, passed by a vote of 5-0 (Commissioner Sosa was absent).

3D

092679 **Resolution**

RESOLUTION AUTHORIZING RETROACTIVE SECOND AMENDMENT TO BAGGAGE WRAP SERVICES CONCESSION AGREEMENT BETWEEN MIAMI-DADE COUNTY, FLORIDA AND SECURE WRAP OF MIAMI, INC. AT MIAMI INTERNATIONAL AIRPORT; AUTHORIZING WAIVER OF COMPETITIVE BID PROCEDURES; AND AUTHORIZING COUNTY MAYOR OR DESIGNEE TO EXECUTE SECOND AMENDMENT AND TO EXERCISE ALL OTHER RIGHTS INCLUDING CANCELLATION PROVISIONS CONTAINED THEREIN (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Rolle
Vote: 5-0
Absent: Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

Mr. Miguel Southwell, Aviation Deputy Director, confirmed an earlier conversation with Commissioner Diaz that he was personally involved in the development of this agreement. Mr. Southwell noted it was a fair agreement and it was in the best interest of the airport.

There being no further questions or comments, the Committee proceeded to vote.

3E

092680 **Resolution**

RESOLUTION RELATING TO KENDALL-TAMIAMI EXECUTIVE AIRPORT; RATIFYING EXECUTION BY THE MAYOR'S DESIGNEE OF GRANT AGREEMENT AIP NO. 3-12-0050-009-2009 IN THE AMOUNT OF $3,325,528 FOR CONSTRUCTION OF PHASE 1-B OF THE EXTENSION PROJECT FOR RUNWAY 9 RIGHT-27 LEFT (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Rolle
Vote: 5-0
Absent: Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

There being no questions or comments, the Committee proceeded to vote.

3F

092689 **Resolution**

RESOLUTION RATIFYING ACTIONS OF COUNTY MAYOR OR DESIGNEE TAKEN PURSUANT TO SECTION 2-9 OF THE MIAMI-DADE COUNTY CODE, IN AUTHORIZING A COOPERATIVE AGREEMENT WITH MIAMI-DADE COUNTY, THROUGH ITS MIAMI-DADE AVIATION DEPARTMENT AND MIAMI-DADE COUNTY PUBLIC SCHOOLS TO PROVIDE MIAMI-DADE COUNTY PUBLIC SCHOOL STUDENTS WITH DISABILITIES WITH AN APPROPRIATE EMPLOYABILITY SKILLS TRAINING LABORATORY PROGRAM AT MIA TO REINFORCE ACQUISITION OF EMPLOYABILITY SKILLS; AND FURTHER IN EXECUTING THE AGREEMENT AND AUTHORIZING EXERCISE OF THE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Rolle
Vote: 5-0
Absent: Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

In response to Commissioner Souto, Mr. Miguel Southwell, Aviation Deputy Director, said that the Victory Program was limited to Miami-Dade County Public Schools students.

Mr. Jose Abreu, Aviation Director, noted previous cooperative efforts with Miami-Dade College. He said that this program was specifically designed to serve disabled high school students from the Public Schools and that it was not possible include the College.

Chairman Rolle asked Mr. Abreu to promote the Employability Skills Program for disabled students offered in cooperation with Miami-Dade County Public Schools.

Commissioner Souto asked Mr. Abreu to evaluate cooperative programming with the EIG-Watson School of Aviation at the Homestead Campus of Miami-Dade College.

There being no further questions or comments, the Committee proceeded to vote.

3G

092691 **Resolution**

RESOLUTION RELATING TO KENDALL-TAMIAMI EXECUTIVE AIRPORT; APPROVING NON-FEDERAL REIMBURSABLE AGREEMENT BETWEEN THE FEDERAL AVIATION ADMINISTRATION AND THE COUNTY FOR PAYMENT BY THE COUNTY'S AVIATION DEPARTMENT TO THE FAA IN THE SUM OF $311,569.50 FOR FAA SERVICES IN CONJUNCTION WITH THE NAVIGATIONAL AIDS PORTION OF THE COUNTY'S EXTENSION PROJECT FOR RUNWAY 9 RIGHT-27 LEFT; AUTHORIZING MAYOR OR HIS DESIGNEE TO EXERCISE THE TERMINATION PROVISIONS THEREOF (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Rolle
Vote: 5-0
Absent: Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

There being no questions or comments, the Committee proceeded to vote.

3H

092693 **Resolution**

RESOLUTION APPROVING SECOND AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND AA ACQUISITIONS, LLC; AUTHORIZING MAYOR OR DESIGNEE TO EXECUTE SUCH SECOND AMENDMENT AND TO EXERCISE THE TERMINATION PROVISIONS THEREOF (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Souto
Vote: 5-0
Absent: Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

There being no questions or comments, the Committee proceeded to vote.

3I

092713 **Resolution**

RESOLUTION APPROVING FIRST AMENDMENT TO LEASE AGREEMENT C-698 WITH MIA PERISHABLES CENTER LLC TO REDUCE SPACE AND REQUEST RENTAL CREDIT OF BUILDING 704 (FORMER BUILDING 2121) AT MIAMI INTERNATIONAL AIRPORT; AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS THEREIN (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Souto
Vote: 5-0
Absent: Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

Commissioner Souto asked Mr. Jose Abreu, Aviation Department Director, to evaluate the potential for the County working with the McDonald's Corporation to import beef through Miami International Airport.

There being no further questions or comments, the Committee proceeded to vote.

3J

092714 **Resolution**

RESOLUTION RELATING TO MIAMI-DADE COUNTY'S AIRPORT SYSTEM; AUTHORIZING THE AVIATION DEPARTMENT TO NEGOTIATE A LICENSE OR OTHER AGREEMENT WITH COLLIER RESOURCES COMPANY AND ANY OTHER COMPANIES HOLDING MINERAL RIGHTS TO PARCELS OF LAND ON THE COUNTY'S TRAINING AND TRANSITION AIRPORT LOCATED IN COLLIER COUNTY UNDER WHICH THE COUNTY WOULD BE ENTITLED TO ENGAGE IN PETROLEUM AND MINERAL EXPLORATION AND MINING AT SUCH AIRPORT; AUTHORIZING AVIATION DEPARTMENT TO NEGOTIATE ADDITIONAL AGREEMENTS WITH COMPANIES FOR THE MINING, DISTRIBUTION, AND SALE OF ANY PETROLEUM AND MINERAL PRODUCTS THAT THE AVIATION DEPARTMENT IS LEGALLY ENTITLED TO TAKE FROM THE AIRPORT GROUNDS; DIRECTING MAYOR TO RETURN TO THIS BOARD FOR ITS FURTHER CONSIDERATION OF ANY SUCH AGREEMENTS (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Gimenez
Vote: 5-0
Absent: Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

There being no questions or comments, the Committee proceeded to vote.

3K

092720 **Resolution**

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; RATIFYING AND CONFIRMING "LETTER OF UNDERSTANDING AND CONFIRMATION OF CONSENT TO ASSIGNMENT OF LEASES" ("LOU") AND TWO "CONSENT TO ASSIGNMENT" DOCUMENTS AS THEY RELATE TO THE PRIOR USE OF CARGO BUILDINGS 706 AND 708 BY INTERNATIONAL CARGO MARKETING CONSULTANTS, INC. D/B/A ALLIANCE AIR ("ICMC/ALLIANCE"); APPROVING ASSIGNMENT OF THE TWO LEASES BY ICMC/ALLIANCE TO ALLIANCE GROUND INTERNATIONAL, LLC, AN AFFILIATED COMPANY OF CARGO FORCE, INC. ("CF/ALIANCE"); WAIVING DELINQUENCY CHARGE PROVISIONS OF RESOLUTION NO. R-105-03 FOR THIS TRANSACTION; AUTHORIZING MAYOR OR DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE LETTER OF UNDERSTANDING AND THE ASSIGNMENT OF THE TWO CARGO BUILDING LEASES (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Gimenez
Vote: 5-0
Absent: Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

There being no questions or comments, the Committee proceeded to vote.

3L

092690 **Resolution**

RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF $2,500,000 BETWEEN MIAMI-DADE COUNTY AND HDR ENGINEERING, INC. FOR THE WHARVES STRENGTHENING PROGRAM, CONTRACT NO. E09-SEA-01; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY TERMINATION AND RENEWAL PROVISIONS CONTAINED THEREIN
(Seaport Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Gimenez
Vote: 5-0
Absent: Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

Commissioner Gimenez inquired about the wages being paid to consultants and engineers pursuant to the contract, noting that the contract did not indicate any specific amounts for payment.

Mr. Dorian Valdes, Associate Director, Port of Miami, responded to Commissioner Gimenez that he was not familiar with the issue.

Commissioner Gimenez asked Mr. Bill Johnson, Port Director, Port of Miami, to provide information on the labor cost associated with the contract with HDR Engineering, Inc for the Wharves Strengthening Program and indicate whether this contract contained an escalation clause before this proposed resolution was considered by the County Commission.

There being no further questions or comments, the Committee proceeded to vote.

3M

092724 **Resolution**

RESOLUTION APPROVING CONTRACT BETWEEN MERKURY DEVELOPMENT CORPORATION AND THE MIAMI-DADE AVIATION DEPARTMENT FOR GATE J17 PASSENGER LOADING BRIDGES FOR THE A380 AIRBUS, PROJECT MDAD K-151A, WITH A CONTRACT AMOUNT NOT TO EXCEED $459,846.75; AND AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE SAME, AND TO EXERCISE TERMINATION PROVISIONS THEREOF (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Rolle
Vote: 5-0
Absent: Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

In response to Commissioner Gimenez' inquiry pertaining to the anticipated arrival of the A380 Airbus to Miami, Mr. Miguel Southwell, Aviation Deputy Director, said it would be in August 2010.

There being no further questions or comments, the Committee proceeded to vote.

3N

092726 **Resolution**

RESOLUTION RATIFYING MIAMI-DADE AVIATION DEPARTMENT'S APPLICATION FOR A PERMIT TO CONDUCT QUARTER HORSE RACING; URGING THE FLORIDA DEPARTMENT OF BUSINESS & PROFESSIONAL REGULATION TO APPROVE THE COUNTY'S QUARTER HORSE PERMIT APPLICATION; AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO ACCEPT ANY SUCH PERMIT ISSUED BY THE STATE OF FLORIDA, AND AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXECUTE ANY AMENDMENTS TO THAT PERMIT APPLICATION, OR ANY AGREEMENTS NECESSARY TO COMPLETE THAT PERMIT APPLICATION; OPPOSING ANY EFFORT, WHETHER IN THE FLORIDA LEGISLATURE OR ELSEWHERE, TO PREEMPT OR PROHIBIT QUARTER HORSE RACING OR SLOT MACHINES AT MIAMI INTERNATIONAL AIRPORT (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Gimenez
Vote: 4-0
Absent: Sosa, Gimenez

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

Mr. Miguel Southwell, Aviation Deputy Director, informed the Committee that the gaming industry was opposed to the foregoing proposed resolution. He noted a letter received from Mr. Gary Rutledge, the County's lobbyist in Tallahassee requesting a waiver due to his representing pari-mutual interests opposing new quarter horse racing permits. Mr. Southwell said that Mr. Ron Book was the only other County lobbyist in Tallahassee and although he had not requested a waiver, he was opposed to the permit. He noted there was currently no support in Tallahassee to assist the County with obtaining its quarter horse racing permit.

Commissioner Diaz noted the Board of County Commissioners (BCC) had decided to establish a cooperative relationship with the local pari-mutual industry to facilitate its efforts in successfully obtaining a quarter horse racing permit. He asked Mr. Southwell whether this message had been relayed to the industry.

Mr. Southwell said he believed the message was delivered. He noted the industry recognized that the Commission would not do anything in competition with the pari-mutual companies and since slot machines would be behind security checkpoints, it was not a major concern. Mr. Southwell indicated the industry's concern was

related to the permit being held in perpetuity, and future legislative bodies might not be as supportive as the current BCC.

In response to Commissioner Diaz' inquiry regarding legal ramifications, Assistant County Attorney Jess McCarty responded that the BCC retained the option to determine how it desired to address this concern. He noted this proposed resolution clearly established the County's intention and placed lobbyists on notice.

Chairman Rolle noted that lobbyists needed to register a conflict or the County would take appropriate action to protect its interests.

Mr. Southwell responded to Commissioner Gimenez' request to clarify the letter received from Mr. Rutledge. He said the letter indicated Mr. Rutledge's intention to file a lawsuit on behalf of certain gaming entities to prevent approval for quarter horse permits that had been filed by the County and by other entities.

Assistant County Manager Ysela Llort noted her understanding that Mr. Rutledge was a technical consultant on the permit process and not as a lobbyist.

Mr. Southwell clarified that Mr. Marc Dunbar was providing assistance with the permit application process. He noted it was his understanding that Mr. Rutledge was one of the two County representatives in Tallahassee. Mr. Southwell noted that Mr. Rutledge had a pre-existing relationship with the gaming entities prior to the County filing its permit.

Commissioner Gimenez noted that Mr. Rutledge intended to initiate litigation to prevent the County from obtaining a quarter horse racing permit and at the same time represented the County as a lobbyist. He inquired whether a conflict waiver had been requested by Mr. Rutledge from the County.

Mr. McCarty said that Mr. Rutledge had submitted a letter indicating his involvement in a lawsuit related to quarter horse racing permits, generally. He noted that Mr. Rutledge had given notice to the County of his involvement in the lawsuit and had sought advice from the BCC as how to proceed; however, had not requested a waiver.

Commissioner Gimenez noted his advice would be for Mr. Rutledge to remove himself form the lawsuit and not be granted a waiver.

Mr. McCarty noted that Commissioner Gimenez' suggestion was one option and the BCC was not limited to its available options to address the issue.

In response to Commissioner Souto's request to clarify Mr. Dunbar's role, Mr. McCarty noted he was a technical expert advisor to the County on the quarter horse racing permit application.

Commissioner Souto asked Mr. McCarty to provide him with updates on the status of the quarter horse racing permit application.

Commissioner Gimenez noted that Mr. Rutledge needed to remove himself due to a conflict so that he would neither represent nor oppose the County.

Mr. McCarty said that Commissioner Gimenez' recommendation could be proposed to the BCC as an option for consideration. He clarified that Mr. Rutledge represented the quarter horse racing industry, and the lawsuit was specifically against the issuance of additional quarter horse racing permits and not filed against the County.

Commissioner Barreiro asked Assistant County Attorney McCarty to research whether there was a legal procedure that would allow the County to address the conflict issue in the lawsuit related to the quarter horse racing permit.

There being no further questions or comments, the Committee proceeded to vote.

30

092681 **Resolution**

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; RATIFYING EXECUTION BY THE MAYOR'S DESIGNEE OF THE FEDERAL AVIATION ADMINISTRATION GRANT AGREEMENT AIP NO. 3-12-0049-061-2009 IN THE AMOUNT OF $8,936,690 FOR PHASES 2 AND 3 OF THE RUNWAY 8 RIGHT/26 LEFT AND TAXIWAY N PAVEMENT AND LIGHTING REHABILITATION PROJECT (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Souto
Vote: 4-0
Absent: Gimenez, Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

There being no questions or comments, the Committee proceeded to vote.

3P

092437 **Resolution**

RESOLUTION RATIFYING THE ACTION OF THE MAYOR OR DESIGNEE IN EXECUTING A RETROACTIVE MEMORANDUM OF UNDERSTANDING BETWEEN THE PORT OF MIAMI, PORT OF PALM BEACH, AND PORT EVERGLADES CONCERNING RECIPROCITY FOR PORT ACCESS; AND TO EXERCISE ALL RIGHTS CONFERRED THEREIN (Seaport Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Rolle
Vote: 4-0
Absent: Gimenez, Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

In response to Commissioner Souto's inquiry about reciprocity for port access, Mr. Dorian Valdes, Associate Director, Port of Miami, said that it allowed for the recognition of personnel from other ports to enter the Port of Miami with proper identification.

Mr. Hector Pesquera, Assistant Director of Security, Port of Miami, responded to Commissioner Souto's questions about port security. He noted the Florida Department of Law Enforcement (FDLE) was mandated by legislation to develop a system that would allow mutual access to any port within the State. Mr. Pesquera noted that the law was to be effective July 1, 2009; however, the system required to implement the law was currently not in-place throughout the entire State. He said that the Port of Miami, Port Everglades and the Port of Palm Beach had initiated a pilot program to determine whether the reciprocity process and databases between the three ports worked, prior to the expansion of the remaining 11 ports within the State by the FDLE.

There being no further questions or comments, the Committee proceeded to vote.

3Q

092438 **Resolution**

RESOLUTION RATIFYING THE ACTION OF THE MAYOR OR DESIGNEE OF EXECUTING A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND BAYVIEW AT FISHER ISLAND CONDOMINIUM ASSOCIATION NO. TWO FOR TWO YEARS AT THE RENTAL RATE OF $1,200.00 PER MONTH AND FOR THE PURPOSE OF INSTALLING HOMELAND SECURITY SURVEILLANCE EQUIPMENT AS PART OF THE PORT OF MIAMI'S WATERSIDE SURVEILLANCE SYSTEM; AND TO EXERCISE ALL RIGHTS CONFERRED THEREIN (Seaport Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Souto
Vote: 4-0
Absent: Gimenez, Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

There being no questions or comments, the Committee proceeded to vote.

4 COUNTY MANAGER

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

7 REPORTS

7A

092322 **Report**

MONTHLY REPORT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION ON THE PORT OF MIAMI TUNNEL - JUNE 2009 (County Manager)

Report Received
Mover: Diaz
Seconder: Rolle
Vote: 4-0
Absent: Sosa, Gimenez

Report: *Assistant County Attorney Cynji Lee read the foregoing report into the record.*

There being no questions or comments, the Committee proceeded to vote.

7B

092323 **Report**

MONTHLY REPORT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION ON THE MIAMI INTERMODAL CENTER - JUNE 2009 (County Manager)

Report Received
Mover: Diaz
Seconder: Rolle
Vote: 4-0
Absent: Gimenez, Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing report into the record.*

There being no questions or comments, the Committee proceeded to vote.

7C

092325 **Report**

MONTHLY REPORT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION ON THE PORT OF MIAMI TUNNEL - JULY 2009 (County Manager)

Report Received
Mover: Diaz
Seconder: Rolle
Vote: 4-0
Absent: Sosa, Gimenez

Report: *Assistant County Attorney Cynji Lee read the foregoing report into the record.*

There being no questions or comments, the Committee proceeded to vote.

7D

092417 **Report**

MONTHLY REPORT FROM THE DEPARTMENT OF TRANSPORTATION ON THE MIAMI INTERMODAL CENTER - JULY AND AUGUST 2009

(County Manager)

Report Received
Mover: Diaz
Seconder: Rolle
Vote: 4-0
Absent: Gimenez, Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing report into the record.*

There being no questions or comments, the Committee proceeded to vote.

7E

092457 **Report**

MONTHLY REPORT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION ON THE PORT OF MIAMI TUNNEL -AUGUST (County Manager)

Report Received
Mover: Diaz
Seconder: Rolle
Vote: 4-0
Absent: Sosa, Gimenez

Report: *Assistant County Attorney Cynji Lee read the foregoing report into the record.*

There being no questions or comments, the Committee proceeded to vote.

7F

092753 **Report**

MONTHLY REPORT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION ON THE PORT OF MIAMI TUNNEL - SEPTEMBER 2009 (County Manager)

Report Received
Mover: Diaz
Seconder: Rolle
Vote: 4-0
Absent: Gimenez, Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing report into the record.*

There being no questions or comments, the Committee proceeded to vote.

7G

092754 **Report**

MONTHLY REPORT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION ON THE MIAMI INTERMODAL CENTER - SEPTEMBER 2009 (County Manager)

Report Received
Mover: Diaz
Seconder: Rolle
Vote: 4-0
Absent: Gimenez, Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing report into the record.*

There being no questions or comments, the Committee proceeded to vote.

7H

092456 **Report**

ORAL REPORT: NORTH TERMINAL DEVELOPMENT STATUS (County Manager)

Report Received
Mover: Diaz
Seconder: Rolle
Vote: 4-0
Absent: Gimenez, Sosa

Report: *Assistant County Attorney Cynji Lee read the foregoing oral report into the record.*

Mr. Jose Abreu, Aviation Director, noted the North Terminal's storefront would be opened between October 30th and the first week of November, 2009. He provided a PowerPoint presentation of the terminal's construction progress. Mr. Abreu said that seven gates had already opened in 2009 and that 290,000 square feet of storefront and 1,000 square feet of curb would now be opened. He noted that although significant progress had been made, it was not perfect. Mr. Abreu indicated the baggage system would not be operational; therefore, temporary ticket counters were constructed that would be utilized for approximately one year until baggage system completion. He noted passengers would have direct access to the train from the terminal. Outdoor sidewalks were much wider and additional curb space was available which would encourage curbside check-in, said Mr. Abreu.

Mr. Abreu noted that a significant change order would be presented to the Committee in November related to issues with the baggage handling system.

Commissioner Souto congratulated Mr. Abreu on the outcome of the construction. He asked that the airport review signage and logos for appropriateness.

Commissioner Diaz expressed appreciation to Mr. Abreu and everyone involved in the airport partnership and for the progress that had been made. He noted the Commission had been more than lenient and trusting with airport partners and that the pending issues needed to be resolved internally. Commissioner Diaz said that these were new times; money was scarce; situations were difficult; and appropriate actions needed to be taken for survival.

Commissioner Barreiro spoke in support of Mr. Abreu's efforts at the airport.

8 ADJOURNMENT

Report: *There being no further questions or comments, the meeting was adjourned.*